

Appl. No. 10/677,233
Amendment dated: January 27, 2005
Reply to OA of: September 27, 2004

REMARKS

Applicant has amended the specification and claims to more particularly define the invention taking into consideration the outstanding Official Action. The specification has been amended as required to be written in "full, clear, concise, and exact terms". The obvious typographical error alumna for aluminum has been corrected. The amendments to the specification are fully supported by the specification as originally filed. No new matter has been added. Accordingly, it is most respectfully requested that this objection be withdrawn.

Applicant most respectfully submits that all the claims now present in the application are in full compliance with 35 U.S.C. §112 and are clearly patentable over the references of record. Claims 1-4 have been canceled from the application without prejudice or disclaimer and replaced with a new claim set compliant with 35 USC 112 and taking into consideration the rejection under 35 USC 112. The claims now present comply with the written description requirement and the second paragraph of 35 USC 112.

The rejection of the claims under 35 U.S.C. 112, second paragraph, as being generally narrative and indefinite, failing to conform with current U.S. practice. The Examiner states that the claims appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Applicant traverses this rejection in light of the amended claims. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 1-4 under 35 U.S.C. 103 as unpatentable over Lai has been carefully considered but is most respectfully traversed.

Applicants wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP § 2143. This section states

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that to establish a prima facie case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants also most respectfully direct the Examiner's attention to MPEP § 2144.08 (page 2100-114) wherein it is stated that Office personnel should consider all rebuttal argument and evidence present by applicant and the citation of In re Soni for error in not considering evidence presented in the specification.

Applicant believes the presently claimed invention uses a different method to secure the conduit-pipe (12) with the rectangular base and the hollow clasp (16 and 14, respectively). Lai uses C-clamps (18) as opposed to Applicant's invention which uses reversed U-shaped metal wire that grabs onto the side of the pipe (see figure) and secured between base structure (11), the tip of the U-shaped metal wire is welded to the outside rim of the base structure (11).

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Lai's conduit-pipe (12) is only directionally adjustable; on the other hand, Applicant's conduit-pipe is not only directionally adjustable, but also collapsible for easy transportation and mounting. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the specification and claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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